रजिस्ट्री सं. डी. एल. (एन) 04/0007/2003–05 REGD. No. D. L. (N) 04/0007/2003—05

भारत का राजपत्र
The Gazette of India

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सं. 33] नई दिल्ली, अगस्त 19—अगस्त 25, 2018, शनिवार/श्रावण 28—भाद्र 3, 1940
No. 33] NEW DELHI, AUGUST 19—AUGUST 25, 2018, SATURDAY/SRAVANA 28—BHADRA 3, 1940

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 7 अगस्त, 2018

का.आ. 1251.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्द्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास, मजार-ए-शरीफ में श्री कुलबीर सिंह चिब, सहायक अनुभाग अधिकारी को दिनांक 7 अगस्त, 2018 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है ।

[सं. टी-4330/01/2016]

प्रकाश चन्द, निदेशक (कोंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. DIVISION)

New Delhi, the 7th August, 2018

S.O. 1251.—In pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Kulbir Singh Chib, Assistant Section Officer

as Assistant Consular Officer in Consulate General of India, Mazar-e-Sharif to perform the Consular services with effect from 7th August, 2018.

[No. T-4330/01/2016]

PRAKASH CHAND, Director (Consular)

नागर विमानन मंत्रालय

नई दिल्ली, 8 अगस्त, 2018

का.आ. 1252.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, भारतीय विमानपत्तन प्राधिकरण के प्रशासनिक नियंत्रण के अधीन विमानपत्तन निदेशक का कार्यालय, भारतीय विमानपत्तन प्राधिकरण, तेजपुर हवाई अड्डा, तेजपुर (असम) जिसके 80 प्रतिशत कार्मिकों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्द्वारा अधिसूचित करती है ।

[सं. ई-11014/9/2015-रा.भा.]

एस. के. मिश्रा, संयुक्त सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 8th August, 2018

S.O. 1252.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Office of The Airport Director, Airports Authority of India, Tezpur Airport, Tezpur (Assam), whereof 80% staff have acquired the working knowledge of Hindi.

[No. E-11014/9/2015-OL]

S. K. MISHRA, Jt. Secy.

नई दिल्ली, 9 अगस्त, 2018

का.आ. 1253.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, भारतीय विमानपत्तन प्राधिकरण के प्रशासनिक नियंत्रण के अधीन विमानपत्तन निदेशक का कार्यालय, भारतीय विमानपत्तन प्राधिकरण, तिरूपति हवाई अड्डा, तिरूपति (आंध्र प्रदेश) जिसके 80 प्रतिशत कार्मिकों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्द्वारा अधिसूचित करती है ।

[सं. ई-11014/9/2015-रा.भा.]

एस. के. मिश्रा, संयुक्त सचिव

New Delhi, the 9th August, 2018

S.O. 1253.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Office of The Airport Director, Airports Authority of India, Tirupati Airport, Tirupati (Andhra Pradesh), whereof 80% staff have acquired the working knowledge of Hindi.

[No. E-11014/9/2015-OL]

S. K. MISHRA, Jt. Secy.

संस्कृति मंत्रालय

नई दिल्ली, 14 अगस्त, 2018

का.आ. 1254.—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में संस्कृति मंत्रालय के अंतर्गत आने वाले कार्यालय, क्षेत्रीय निदेशक का कार्यालय (दक्षिण), भारतीय पुरातत्व सर्वेक्षण, राजाजीनगर इंडस्ट्रियल इस्टेट, बेंगलुरु-560010 जिसमें 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है ।

यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी ।

[फा. सं. ई-13016/1/2017-हिंदी]

प्रणव खुल्लर, संयुक्त सचिव

MINISTRY OF CULTURE

New Delhi, the 14th August, 2018

S.O. 1254.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Office of Regional Director (Southern Region), Archaeological Survey of India, Industrial Estate, Rajajinagar, Bangalore-560010 under the Ministry of Culture wherein more than 80% officers/staff have acquired the working knowledge of Hindi.

This notification shall come into force from the date of publication in the Official Gazette.

[F. No. E-13016/1/2017-Hindi]

PRANAV KHULLAR, Jt. Secy.

उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 8 अगस्त, 2018

का.आ. 1255.—भारतीय मानक ब्यूरो नियम, 2018 के नियम 31 के उपनियम (1) के अनुसरण में, भारतीय मानक ब्यूरो नीचे अनुसूची में दिए गए निम्नलिखित प्रबंध पद्धति प्रमाणन के लिए मानक मुहर तत्संबंधी मानकों के अनुसार एतद् द्वारा तत्काल प्रभाव से अधिसूचित करता है।

अनुसूची

क्रम संख्या	मानक मुहर का डिजाइन	प्रबंध पद्धति की किस्म	भारतीय मानक की संख्या
क.	भारतीय मानक ब्यूरो मानक: पथप्रदर्शक: BUREAU OF INDIAN STANDARDS IS / ISO 39001 RTSMS	सड़क ट्रैफिक सुरक्षा (आर.टी.एस.) प्रबंध पद्धतियां	आईएस/आईएसो 39001

[सन्दर्भ: एमएससीडी/2:1:3]

सी. बी. सिंह, अपर महानिदेशक, बीआईएस

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 8th August, 2018

S.O. 1255.—In pursuance of sub-rule (1) of Rule 31 of the Bureau of Indian Standards Rules 2018, the Bureau of Indian Standards hereby notifies the Standard Mark for the following Management Systems Certification in accordance with the relevant Indian Standards as given in the schedule below with immediate effect.

SCHEDULE

Sl No.	Design of Standard Mark	Type of Management Systems	No. of Indian Standards
1.	भारतीय मानक ब्यूरो मानक: पथप्रदर्शक: BUREAU OF INDIAN STANDARDS IS / ISO 39001 RTSMS	Road Traffic Safety Management Systems	IS/ISO 39001

[Ref. : MSCD/2:1:3]

C. B. SINGH, Addl. Director General, BIS

कोयला मंत्रालय

नई दिल्ली, 23 अगस्त, 2018

का.आ. 1256.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई अनुसूची के स्तम्भ (2) में विनिर्दिष्ट अधिकारियों को, उक्त अधिनियम के प्रयोजनों के लिए और उक्त अनुसूची के स्तम्भ (3), यथा विनिर्दिष्ट मेसर्स उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड (उत्तर प्रदेश सरकार का उपक्रम), रजिस्टर्ड मुख्यालय 14 -अशोक मार्ग, शक्ति भवन विस्तार, लखनऊ-226001 की अधिकारिता के भीतर आने वाले स्तम्भ (5) में विनिर्दिष्ट क्षेत्रों के संबंध में उक्त सक्षम प्राधिकारियों के सामने स्तम्भ (4), में की तत्स्थानी प्रविष्टि में यथाविनिर्दिष्ट ऐसी धाराओं के लिए सक्षम प्राधिकारी नियुक्त करती है :-

अनुसूची

क्रम संख्या	सक्षम प्राधिकारी के रूप में नियुक्त व्यक्ति का पदनाम	शासकीय पता	अधिनियम की धारा	अधिकारिता का क्षेत्र
(1)	(2)	(3)	(4)	(5)
1.	1. मुख्य अभियंता 2. अधीक्षण अभियंता 3. अधिशासी अभियंता 4. सहायक अभियंता	रजिस्ट्रीकृत मुख्यालय: उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड, 14- अशोक मार्ग, शक्ति भवन विस्तार, लखनऊ-226001.	धारा 4 की उप-धारा (3)	(क) पूर्वेक्षण कोयला के लिए भूमि में प्रवेश और सर्वेक्षण करना ; (ख) उप - मृदा में खोदना या वेधन करना; (ग) भूमि में कोयला के पूर्वेक्षण के लिए सभी आवश्यक कार्य किए

		कार्यालय: उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड, 4 तल, टी.सी. 46/वी, समाज कल्याण बिल्डिंग, विभूति खंड, गोमती नगर, लखनऊ – 226010.		जाना; (घ) भूमि की सीमाएं चिन्हांकित करना जिनमें पूर्वेक्षण के लिए प्रस्तावित किया जाना है; (ङ) ऐसी सीमाओं और पंक्ति को चिन्हांकित करने के लिए चिन्हों को लगाना; (च) जहां सर्वेक्षण पूरा नहीं किया जा सकता है और सीमाएं तथा पंक्ति चिन्हांकित किए गए हैं, वहाँ कम किसी खड़ी फसल, बाड़ या जंगल के किसी भाग को कम और साफ करना।
2.	1. मुख्य अभियंता 2. अधीक्षण अभियंता 3. अधिशासी अभियंता 4. सहायक अभियंता	रजिस्ट्रीकृत मुख्यालय: उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड, 14- अशोक मार्ग, शक्ति भवन विस्तार, लखनऊ-226001. कार्यालय: उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड, 4 तल, टी.सी. 46/वी, समाज कल्याण बिल्डिंग, विभूति खंड, गोमती नगर, लखनऊ – 226010.	धारा 6	कारित होने वाली संभाव्य क्षति की रकम पर प्रतिकर का संदाय और केन्द्रीय सरकार को विवाद निर्दिष्ट करना।
3.	कोयला नियंत्रक	कोयला नियंत्रक का कार्यालय, 1, काउंसिल हाउस स्ट्रीट, कोलकाता – 700001	धारा 8 की उप-धारा (2)	अर्जन के विरुद्ध आक्षेपों की सुनवाई और केंद्रीय सरकार को रिपोर्ट प्रस्तुत किया जाना।
4.	1. मुख्य अभियंता 2. अधीक्षण अभियंता 3. अधिशासी अभियंता 4. सहायक अभियंता	रजिस्ट्रीकृत मुख्यालय: उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड, 14- अशोक मार्ग, शक्ति भवन विस्तार, लखनऊ-226001. कार्यालय: उत्तर प्रदेश राज्य विधुत उत्पादन निगम लिमिटेड, 4 तल, टी.सी. 46/वी, समाज कल्याण बिल्डिंग, विभूति खंड, गोमती नगर, लखनऊ – 226010.	धारा 12 धारा 13 की उप-धारा (6) धारा 14 की उप-धारा (1)	व्यक्तियों को भूमि का कब्जा अभ्यर्पित करने और उसका कब्जा लेने के लिए सूचना। नुकसानी के लिए प्रतिकर का संदाय जिसका अधिनियम में कहीं भी उपबंध नहीं किया गया है। करार द्वारा नियत प्रतिकर का संदाय।

			धारा 14 की उप-धारा (4)	प्रतिकर के संबंध में अधिकरण के समक्ष कथन।
			धारा 16	अधिकरण के अधिनिर्णय पर प्रतिकर के ब्याज का संदाय।
			धारा 17	प्रतिकर का संदाय ।
			धारा 19	केन्द्रीय सरकार द्वारा प्रत्यायोजित शक्तियों और कर्तव्यों का पालन करना।
			धारा 20 की उप-धारा (3)	केन्द्रीय सरकार द्वारा अपील की सुनवाई करके रिपोर्ट देना और अपने आदेश का निष्कर्ष देना ।
			धारा 21	जानकारी प्राप्त करने की शक्ति ।
5.	1. मुख्य अभियंता 2. अधीक्षण अभियंता 3. अधिशासी अभियंता 4. सहायक अभियंता	रजिस्ट्रीकृत मुख्यालय: उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड, 14- अशोक मार्ग, शक्ति भवन विस्तार, लखनऊ-226001. कार्यालय: उत्तर प्रदेश राज्य विद्युत उत्पादन निगम लिमिटेड, 4 तल, टी.सी. 46/वी, समाज कल्याण बिल्डिंग, विभूति खंड, गोमती नगर, लखनऊ – 226010.	धारा 22	किसी भी संपति में प्रवेश करने और निरीक्षण करने की शक्ति ।

[फा.सं. 43015/8/2018-एलए एण्ड आईआर]

राम शिरोमणि सरोज, अवर सचिव

MINISTRY OF COAL

New Delhi, the 23rd August, 2018

S.O. 1256.—In exercise of the powers conferred by section 3 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby appoints the officers specified in column (2) of the Schedule below to be competent authorities for the purposes of the said Act and for the provisions of such of the sections as are specified against the said competent authorities in the corresponding entry in column (4) thereof, in respect of the areas specified in column (5) falling within the jurisdiction of M/s Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited (A UP Government Undertaking), Regd. Head Office at 14-Ashok Marg, Shakti Bhawan Extn, Lucknow - 226001 as specified in column (3) of the said Schedule.

SCHEDULE

Serial Number	Designation of person appointed as competent authority.	Official address.	Section of the Act.	Area of Jurisdiction.
(1)	(2)	(3)	(4)	(5)
1.	1. Chief Engineer 2. Superintending Engineer 3. Executive Engineer 4. Assistant Engineer	Registered Head Office: Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, Shakti Bhawan Extn, 14-Ashok Marg, Lucknow – 226001. Office : Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited,4th Floor TC 46/V, Samaj Kalyan Building, Vibhuti Khand, Gomti Nagar, Lucknow-226010.	Sub-section (3) of section 4.	(a) To enter upon and survey the land for prospecting coal; (b) To dig or bore into the sub- soil; (c) To do all acts necessary to prospect for coal in the land; (d) To set out boundaries of the land in which prospecting is proposed to be done; (e) To mark such boundaries and line by placing marks; (f) Where survey cannot be completed and the boundaries and the line marked, to cut down and clear away any part of standing crop, fence or jungle.
2.	1. Chief Engineer 2. Superintending Engineer 3. Executive Engineer 4. Assistant Engineer	Registered Head Office: Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, Shakti Bhawan Extn, 14-Ashok Marg, Lucknow – 226001. Office : Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited,4th Floor TC 46/V, Samaj Kalyan Building, Vibhuti Khand, Gomti Nagar, Lucknow -226010.	Section 6.	Payment of compensation on amount of damage likely to be caused and referring dispute to the Central Government.
3.	Coal Controller	Office of the Coal Controller, 1, Council House Street, Kolkata-700001.	Sub-section (2) of section 8.	Hearing of objections against acquisition and submitting of report to the Central Government.
4.	1. Chief Engineer 2. Superintending Engineer 3. Executive Engineer 4. Assistant Engineer	Registered Head Office: Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, Shakti Bhawan Extn, 14-Ashok Marg, Lucknow - 226001	Section 12 Sub-section (6) of section 13.	Notice to persons to surrender possession of land and take possession thereof. Payment of compensation for damages not provided elsewhere in the Act.

		Office : Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited,4th Floor TC 46/V, Samaj Kalyan Building, Vibhuti Khand, Gomti Nagar, Lucknow -226010.	Sub-section (1) of section 14. Sub-section (4) of section 14. Section 16 Section 17 Section 19 Sub-section (3) of section 20. Section 21	Payment of compensation fixed by agreement. Statement before the Tribunal regarding fair amount of compensation. Payment of interest on compensation awarded by the Tribunal. Payment of compensation. To exercise the powers and duties delegated by the Central Government. Giving of report during hearing of appeal by the Central Government and the finding of its order. Power to obtain information.
5.	1. Chief Engineer 2. Superintending Engineer 3. Executive Engineer 4. Assistant Engineer	Registered Head Office: Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, Shakti Bhawan Extn, 14 Ashok Marg, Lucknow - 226001 Office : Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited,4th Floor TC 46/V, Samaj Kalyan Building, Vibhuti Khand, Gomti Nagar, Lucknow -226010.	Section 22.	Power to enter and inspect any property.

[F.No. 43015/8/2018-LA&IR]

RAM SHIROMANI SAROJ, Under Secy.

संचार मंत्रालय

(डाक विभाग)

(पीबीआई डिवीजन)

नई दिल्ली, 3 अगस्त, 2018

का.आ. 1257.— ''इंडिया पोस्ट पेमेन्ट्स बैंक की स्थापना'' की परियोजना संबंधी कार्यवृत्त दिनांक 3 जून, 2016 के तहत संसूचित मंत्रिमंडल के अनुमोदन के अनुसरण में, केन्द्र सरकार एतद्वारा श्री तनवीर कमर मोहम्मद, उप महानिदेशक (पीबीआई), भारत सरकार, डाक विभाग को तत्काल प्रभाव से और अगले आदेश होने तक इंडिया पोस्ट पेमेन्ट्स बैंक के निदेशक बोर्ड के सरकारी नामित निदेशक के रूप में मनोनीत करती है।

[फा.सं. 1-6/2016-पीबीआई (खण्ड-III)]

अभिषेक जैन, सहायक महानिदेशक (पीबीआई)

Ministry of Communications

(Department of Posts)

(PBI DIVISION)

New Delhi, the 3rd August, 2018

S.O. 1257.—In pursuance of the approval of the Cabinet communicated vide minutes dated 3rd June, 2016 for the project of ''Setting up of India Post Payments Bank'', the Central Government hereby nominates Shri. Tanweer Qamar Mohammad, Deputy Director General (PBI), Government of India, Department of Posts, as Government Nominee Director to the Board of Directors of India Post Payments Bank, with immediate effect and until further orders.

[F. No. 1-6/2016-PBI (Vol-III)]

ABHISHEK JAIN, Asst. Director General (PBI)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 01/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/165/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 20th August, 2018

S.O. 1258.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/165/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 01 OF 2012

PARTIES : The management of 1 & 2 Incline, Jhanjra Area of M/s. ECL

v/s

Shri Arjit Mukherjee

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : None

Industry **:** Coal State **:** West Bengal

Dated : 17.07.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/165/2011–IR (CM-II)** dated 19.12.2011 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of 1 & 2 Incline under Jhanjra Area of M/s. Eastern Coalfields Limited, in dismissing Shri Arjit Mukherjee, Cat-I Mazdoor, U.M. No. 130991 from services w.e.f. 17.08.2006 is legal and justified? To what relief the workman concerned is entitled to? "

1. Having received the Order **NO. L-22012/165/2011–IR (CM-II)** dated 19.12.2011 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **01 of 2012** was registered on 05.01.2012. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate of the management of 1 & 2 Incline under Jhanjra Area of M/s. ECL appeared. But none appeared on behalf of the union / workman.

3. On perusal of the case record I find that neither the workman nor the union has ever appeared before the Tribunal in spite of granting 17 (Seventeen) dates. Registered notices were issued to the union on 15.10.2014 and 23.11.2015 but to no effect. It seems to me that the workman / union is not at all interested to contest this case further. As such the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 03/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/123/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1259.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 03/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/123/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 03 OF 2013

PARTIES : The Management of Khas Kajora Colliery of M/s. ECL

v/s

Shri Tulsi Bhuia

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri Rakesh Kumar, Union Representative

Industry **:** Coal State **:** West Bengal

Dated : 17.07.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/123/2011–IR (CM-II)** dated 19.09.2011 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Khas Kajora Colliery, Kajora Area of M/s. Eastern Coalfields Limited, in dismissing Shri Tulsi Bhuia, Dresser, UM No. 553673 w.e.f. 16.07.2008 is legal and justified? To what relief the workman concerned is entitled to? "

1. Having received the Order **NO. L-22012/123/2011–IR (CM-II)** dated 19.09.2011 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **03 of 2013** was registered on 19.03.2013. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate appeared on behalf of the management of Khas Kajora Colliery of M/s. ECL but has not filed his authorization till date. Shri Rakesh Kumar, learned union representative appeared on behalf of the workman Shri Tulsi Bhuia.

3. On the basis of the application filed by the management on 17.09.2015 I have perused the Reference No. 18 of 2011 and came to the conclusion that the Schedule of both the References are same.

4. In Reference No. 18 of 2011, Shri Rakesh Kumar, learned union representative of the workman, Shri Tulsi Bhuia insisted on passing a 'No Dispute Award' and an order regarding the same has been passed. Since both the cases belongs to the same person and reliefs to be entitled are also equal, I find no reason to keep this reference pending without any fruitful result. As such the case is closed and accordingly a 'No Dispute Award' is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स नादर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 05/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/98/2015-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1260.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of M/s. N.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/98/2015-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE SHRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, KANPUR-208022

Industrial Dispute No. 05 of 2016

Between:-

Sh. Omkar Nath Yadav,
Bhartiya Koyla Khadan Mazdoor Sangh,
Dantopant Thengari Bhawan, NCL Khadia Project,
Khadia, Distt. Sonebhadra (U.P.),
SONEBHADRA (U.P.) - 231222

AND

The General Manager,
Northern Coalfields Limited,
Khadia Project, Khadia,
Distt. Sonebhadra(U.P.)
SONEBHADRA (U.P.)-231222

AWARD

1. Central Government, MOL, vide notification No. L-22012/98/2015-IR (CM-II) dated 22.01.2016 has referred the following Industrial Dispute to this Tribunal for adjudication.

2. "Whether the action of the management of NCL, Khadia Project not to deduct subscription in favor of member of Bhartiya Koyla Khadan Mazdoor Sangh is unfair labor practice and if management action is unfair labor practice what relief the union is entitled to and from which date?'

3. Briefly stated facts of the union are Bhartiya Koyala Khadan Mazdoor Sanh Bina a registered trade Union under Trade Union Act, 1926. Its branches are at different projects of Northern Coal Fields Ltd. such as Khadiya Project, the name of Omakar Nath Yadav is president of Khadiya Project. It is further alleged that Bhartiya Koyala Khadan Mazdoor Sangh is a recognized union in Khadiya project unit. All the decisions pertaining to welfare of the employees are being decided constituting agency in which those unions are entitled to participate in negotiations whose membership is up to the mark of 20% of total workers of the project. However, to maintain participation in JCC 20% membership is necessary as per check of system. Bhartiya Koyala Khadan Mazdoor Sangh is old union; therefore, 20% membership is required in the year 2014 to become eligible for joining JCC and other Forums. It is pertinent to mention here that the management is duty bound to deduct annual subscription of all the employees of the project from their salary and transfer the amount so deducted to the unions by cheque. It is clarified that the management have not deducted subscription of 19 members of Bhartiya Koyala Khadan

Mazdoor Sangh Bina and the management have remitted only subscription of 241 members. Having aggrieved by the decision of the management, the union has referred the matter to Asst. Labor Commissioner (Central) Allahabad for his verification and decision. Accordingly Asst. Labor Commissioner (Central) Allahabad has personally contracted employees our 19 members and asked to produce affidavit if they are members of Bhartiya Koyala Khadan Mazdoor Sangh Bina Khadia Unit. Ten members were personally examined by ALC and seven members have given their affidavit in favor of Bhartiya Koyala Khadan Mazdoor Sangh. Accordingly ALC found that the following employees are members of Bhartiya Koyala Khadan Mazdoor Sangh. Two other members namely Arun Kumar Clerk and Sri Rajesh Kumar Driver have already obtained receipt from the union but their subscription has not yet been paid to Bhartiya Koyala Khadan Mazdoor Sangh Nina, as per Code of Conduct Check of system No. 3 which is unfair labor practice of the management. It is therefore essential that the subscription of all above 19 workers of Khadiaya Project may be deducted from their salary and remitted to Bhartiaya Koyala Khadan Mazdoor Sangh Bina.

4. Lastly it is prayed that the Hon'ble Tribunal may be pleased to order the opposite party to deduct subscription of above 19 members fromtheir salary and remit the same of Bhartiya Koyala Khadan Mazdoor Sangh Bina as per code of conduct check of system union may be allowed to participate in all negotiation as a recognized union. The action of the management for not deducting the subscription of above 19 employees may be declared as unfair labor practice of the management.

5. Management filed written statement alleging there in that with reference to contents of paras 1&2 of alleged statement of claim of the union, it is submitted that the trade union as named BKKMS was representing the employees of Khadia Project Unit in the year 2013 & 2014 under the system of Industrial relations and Sri Onkar Nath Yadav was a President of the said trade union at that time. It is admitted that all the decisions pertaining to industrial relations and welfare of the employees are being decided by constituting agency in which those unions are entitled to participate in negotiations whose memberships up to the mark of 20% of total workers of the project. It is further submitted that it is necessary to maintain participation in JCC. 20% membership as per code of conduct of CHECK of System. It is worth to mention that if the membership of any union is less that 20% continuously for 2 years in a unit or project, then that union will lost representation in negotiations related to industrial relation system as per point no. 5(D) of Code of Conduct of Check off System and then, the employer will give information of this respect to the alleged union. The BKKMS union could not maintain continuously 2 years 20% membership in the year 2013 and 2014. Rest of the contents is denied.

6. The management has denied the entire claim of the union in totality and stated that the claim of the union is devoid of merit and is liable to be rejected.

7. The present case was taken up for hearing on several dates but the representative for the union put his appearance before the tribunal only on a few dates like 13.10.16 and on 04.0717 and thereafter stopped attending the proceedings of the case for the reasons best known to him. Therefore, it appears that the union is not interested in prosecuting their case as neither had they filed any documentary evidence in the case nor any one appeared from their side for oral evidence.

8. Considering the facts and circumstances of the case management also endorsed on the order sheet on 24.07.18, that the management is also not interested to adduce any evidence oral or documentary in the case.

9. Therefore, having regard to the facts and circumstances of the case It is quite evident that it is a case of no evidence, as such the reference s bound to be decided against the union holding that the union is not entitled for any relief.

10. Award is made accordingly.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 12/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/60/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/60/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 12 OF 2011

PARTIES : The Management of Madhujore Colliery of M/s. ECL

v/s

Shri Bhagwan Kahar

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : None

Industry **:** Coal State **:** West Bengal

Dated : 13.07.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/60/2011–IR (CM-II)** dated 08.07.2011 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Madhujore Colliery under Kajora Area of M/s. ECL in dismissing Shri Bhagwan Kahar, U.G. Trammer, UM No. 631439 w.e.f. 10.11.2008 is legal and justified? To what relief the workman is entitled to? "

1. Having received the Order **NO. L-22012/60/2011–IR (CM-II)** dated 08.07.2011 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **12 of 2011** was registered on 25.07.2011 / 09.12.2011. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate of the management of Madhujore Colliery under Kajora Area of M/s. ECL appeared. But none appeared on behalf of the union / workman.

3. On perusal of the case record I find that the case was fixed for filing Voter Identity Card of the claimant on 18.09.2013. But unfortunately none is appearing on behalf of the union / workman since 18.09.2013. So far 17 dates have been granted after 11.07.2013 for filing Voter Identity Card of the Claimant. Registered Notice was also issued to the workman / union on 19.08.2014 but all in vain. It seems to me that the legal heirs of the deceased workman does not want to contest this case further. As such the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 14/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/76/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1262.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/76/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 14 OF 2011

PARTIES : The management of Bejdih Colliery of M/s. ECL

v/s

Shri Purnendu Sarkar

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri R. K. Tripathi, Union Representative

Industry **:** Coal State **:** West Bengal

Dated : 13.07.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/76/2011–IR (CM-II)** dated 14.07.2011 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Bejdih Colliery of M/s. ECL in discontinuation of H.R.A. to Shri Purnendu Sarkar, Mech. Fitter is legal and justified? To what relief the workman concerned is entitled to? "

1. Having received the Order **NO. L-22012/76/2011–IR (CM-II)** dated 14.07.2011 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **14 of 2011** was registered on 28.07.2011 / 09.12.2011. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate appeared on behalf of the management of Bejdih Colliery of M/s. ECL and Shri R. K. Tripathi, learned union representative appeared on behalf of the workman Shri Purnendu Sarkar.

3. Shri R. K. Tripathi, learned union representative submits that the case may be closed as the workman is now not willing to contest the case further and an endorsement in this regard has be3en made by him on the order sheet. As the

workman is now not at all interested to proceed with the case further the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 15/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/115/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1263.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/115/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 15 OF 2011

PARTIES : The Management of Sodepur Area of M/s. ECL

v/s

Shri Ram Dulal Neogi

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri Y. P. Tripathi, Union Representative

Industry **:** Coal State **:** West Bengal

Dated : 16.07.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/115/2011–IR (CM-II)** dated 08.08.2011 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Parbelia Colliery under Sodepur Area of M/s. ECL in denying promotion / national seniority to Shri Ram Dulal Neogi, Accounts Clerk at par with Shri Joynath Choubey, Accounts Clerk is legal and justified? To what relief the workman concerned is entitled to? "

1. Having received the Order **NO. L-22012/115/2011–IR (CM-II)** dated 08.08.2011 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **15 of 2011** was registered on 25.08.2011 / 09.12.2011. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written

statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate appeared on behalf of the management of Parbelia Group of M/s. ECL. But none appeared on behalf of the union / workman.

3. On perusal of the case record I find that the representative of the workman, Shri Y. P Tripathi, General Secretary of the union last appeared before the Court on 30.09.2014. Thereafter 8 (Eight) dates were granted but neither the workman nor the union never appeared after 30.09.2014. Registered notice was also sent to the union on 15.10.2015, but to no effect. It seems that the workman / union is not at all interested to proceed with the case further. Hence the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1264.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 18/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/123/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1264.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/123/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 18 OF 2011

PARTIES : The management of Khas Kajora Colliery of M/s. ECL

v/s

Shri Tulsi Bhuia

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri Rakesh Kumar, Union Representative

Industry **:** Coal State **:** West Bengal

Dated : 16.07.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter **NO. L-22012/123/2011–IR (CM-II)** dated 19.09.2011 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Khas Kajora Colliery, Kajora Area of M/s. Eastern Coalfields Limited, in dismissing Shri Tulsi Bhuia, Dresser, UM No. 553673 w.e.f. 16.07.2008 is legal and justified? To what relief the workman concerned is entitled to? "

1. Having received the Order **No. L-22012/123/2011–IR (CM-II)** dated 19.09.2011 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **18 of 2011** was registered on 07.10.2011 / 09.12.2011. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate appeared on behalf of the management of Khas Kajora Colliery of M/s. ECL. Shri Rakesh Kumar, learned union representative appeared on behalf of the workman Shri Tulsi Bhuia.

3. Shri Rakesh Kumar, learned union representative of the workman submits that the workman has died and he has got no instruction from the claimant for substitution. So the case may kindly be closed. He has also put remarks to the effect on the order sheet. Since the workman has died and no substitution petition has been filed so far. It seems that the workman's legal heir(s) has not at all interested to proceed with the case further. Hence the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 32/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.08.2018 को प्राप्त हुआ था।

[सं. एल-22012/224/2006-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1265.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 14.08.2018.

[No. L-22012/224/2006-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 32 OF 2007

PARTIES : The management of J. K. Nagar (R) Colliery of M/s. ECL

v/s

Shri Chandrika Bhuia

REPRESENTATIVES :

For the Management : Shri P. K. Goswami, Learned Advocate

For the Union (Workman) : Shri Sayantan Mukherjee, Learned Advocate

Industry **:** Coal State **:** West Bengal

Dated : 05.04.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter **No. L-22012/224/2006–IR (CM-II)** dated 30.05.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of J. K. Nagar Colliery under Satgram Area of M/s. ECL in dismissing Shri Chandrika Bhuia from services w.e.f. 06.07.2000 is legal and justified? If not, to what relief is the workman entitled? "

1. Having received the Order **No. L-22012/224/2006–IR (CM-II)** dated 30.05.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **32 of 2007** was registered on 11.07.2007. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Goswami, learned advocate appeared on behalf of the management of J. K. Nagar (R) Colliery of M/s. Eastern Coalfields Limited but none appeared on behalf of the workman, Shri Chandrika Bhuia.

3. On perusal of the case record I find that the case was fixed for filing evidence of the workman on 10.06.2010. Thereafter 44 (Forty Four) dates have been passed, resulting in elapse of more than 7½ (Seven and Half) years, but neither the workman nor his learned advocate took any step for filing the evidence of the workman. Last chances on request of Shri Sayantan Mukherjee, learned advocate of the workman were granted several times since 17.05.2016, but to no effect. Under the circumstances explained above it is clear that the workman is not at all interested to proceed with the case further. The reference is also more than 10 (Ten) years old – of the year 2007. I have no option left but to close the case. As such the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स फूड कारपोरेशन ऑफ इंडिया एंड अदर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 82/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.08.2018 को प्राप्त हुआ था।

[सं. एल-22011/11/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and others and their workmen, received by the Central Government on 07.08.2018.

[No. L-22011/11/2013-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 82/2013

No. L-22011/11/2013-IR (DU), dated 28.05.2014

Date of Passing Order – 25th June, 2018

Between :

1. The Area Manager,
Food Corporation of India,
District Office, O.T. Road,
Balasore – 756 001.

2. The General Manager,
Food Corporation of India,
Regional Office, Satsang Vihar,
Vani Vihar, Bhubaneswar – 751 007.

…1st Party-Managements

(And)

The Vice President,
Food Corporation of India Handling Workers' Union,
8651, Arakashan Road, Pahar Ganj,
New Delhi – 110 056

…2nd Party-Union.

Appearances :

Shri R.K. Jena, Area Manager.	…	For the 1st Party- Managements.
None	…	For the 2nd Party-Union

ORDER

Authorized representative of the Management is present, whereas no one appears on behalf of the 2nd party-Union on repeated calls. It is submitted by the authorized representative of the Management that the 2nd party-Union is not taking any steps for the last several adjournments for which the reference is lingering without adjudication in a routine manner and it has been insisted on behalf of the Management that either a Nil award be given or the statement of claim of the Union may be rejected.

2. Perused the record. It is seen that after filing of statement by the parties and settlement of issues, the Union is not taking any steps for which the Tribunal is facing difficulty to adjudicate the dispute due to lack of evidence from the side of the Union. At the same time the reference cannot be adjourned from time to time in a mechanically manner for an indefinite period. Admittedly, in absence of evidence on the part of the 2nd party-Union it is difficult to adjudicate and decide a dispute and no award is possible to be made. Further, there is no provisions in the Act to pass a No Dispute Award or to determine the question as to whether or not there was a dispute between the parties by the Tribunal. Hence, passing of a no-dispute award would be a misconceived. It cannot be over-sighted in the case of B.R. Bermen & Mohatta (India) Pvt. Limited –versus- The Seventh Industrial Tribunal, West Bengal and others, 1977 LAB I.C. (NOC) 13 (CAL), the Hon'ble High Court of Calcutta have held that:

> **"if the dispute cannot be settled in the absence of both the parties there would be no materials before it to decide such dispute. In such event, no award is possible to be made by the authority concerned and as such the provision has been made under Rule 22 to submit a suitable report to the state Government and to put an end to the proceeding before the Tribunal. When both the parties fail to appar nothing remains pending before the authority concerned to whom the dispute is referred although the dispute remains outstanding and not adjudicated. In such event, section 20(3) of the Industrial Disputes Act which provides for the termini of the proceedings cannot be attracted because no final or any award can**

be made whereby the dispute can be resolved….Until the adjudication of the dispute referred to the authority concerned, an award cannot be made within the meaning of an award as defined in Section 2(b) of the Act…..So long as the dispute remained unsettled and the proceedings came to an end without adjudicating upon the dispute between the parties there was no bar under the Industrial Disputes Act whereby the Government was precluded from referring the dispute over again so that there might be an industrial adjudication of the dispute as contemplated by the said Act"

3. Keeping in view the above fact and principles it is felt that there is no alternative than to return the reference without adjudication of the dispute. Accordingly the reference case is disposed of and the copy of the order be sent to the Ministry of Labour of taking necessary action at their end.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 20 अगस्त, 2018

का.आ. 1267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स फूड कारपोरेशन ऑफ इंडिया एंड अदर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 83/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.08.2018 को प्राप्त हुआ था।

[सं. एल-22011/10/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 20th August, 2018

S.O. 1267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 83/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and others and their workmen, received by the Central Government on 07.08.2018.

[No. L-22011/10/2013-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 83/2013

No. L-22011/10/2013-IR (DU), dated 28.05.2014

Date of Passing Order – 25th June, 2018

Between :

1. The General Manager,
   Food Corporation of India,
   Regional Office, Satsang Vihar,
   Vani Vihar, Bhubaneswar – 751 007.

2. The Area Manager,
   Food Corporation of India,
   District Office, Sambalpur, Po. Modipara,
   Dist. Sambalpur.

…1st Party-Managements

(And)

The Vice President,
Food Corporation of India Handling Workers' Union,
8651, Arakashan Road, Pahar Ganj,
New Delhi – 110 056

…2nd Party-Union

Appearances:

Shri R.P. Ganik, Manager (G). … For the 1st Party-Managements

None … For the 2nd Party-Union

ORDER

Authorized representative of the Management is present, whereas no one appears on behalf of the 2nd party-Union on repeated calls. It is submitted by the authorized representative of the Management that the 2nd party-Union is not taking any steps for the last several adjournments for which the reference is lingering without adjudication in a routine manner and it has been insisted on behalf of the Management that either a Nil award be given or the statement of claim of the Union may be rejected.

2. Perused the record. It is seen that after filing of statement by the parties and settlement of issues, the Union is not taking any steps for which the Tribunal is facing difficulty to adjudicate the dispute due to lack of evidence from the side of the Union. At the same time the reference cannot be adjourned from time to time in a mechanically manner for an indefinite period. Admittedly, in absence of evidence on the part of the 2nd party-Union it is difficult to adjudicate and decide a dispute and no award is possible to be made. Further, there is no provisions in the Act to pass a No Dispute Award or to determine the question as to whether or not there was a dispute between the parties by the Tribunal. Hence, passing of a no-dispute award would be a misconceived. It cannot be over-sighted in the case of B.R. Bermen & Mohatta (India) Pvt. Limited –versus- The Seventh Industrial Tribunal, West Bengal and others, 1977 LAB I.C. (NOC) 13 (CAL), the Hon'ble High Court of Calcutta have held that:

> **"if the dispute cannot be settled in the absence of both the parties there would be no materials before it to decide such dispute. In such event, no award is possible to be made by the authority concerned and as such the provision has been made under Rule 22 to submit a suitable report to the state Government and to put an end to the proceeding before the Tribunal. When both the parties fail to appar nothing remains pending before the authority concerned to whom the dispute is referred although the dispute remains outstanding and not adjudicated. In such event, section 20(3) of the Industrial Disputes Act which provides for the termini of the proceedings cannot be attracted because no final or any award can be made whereby the dispute can be resolved….Until the adjudication of the dispute referred to the authority concerned, an award cannot be made within the meaning of an award as defined in Section 2(b) of the Act…..So long as the dispute remained unsettled and the proceedings came to an end without adjudicating upon the dispute between the parties there was no bar under the Industrial Disputes Act whereby the Government was precluded from referring the dispute over again so that there might be an industrial adjudication of the dispute as contemplated by the said Act"**

3. Keeping in view the above fact and principles it is felt that there is no alternative than to return the reference without adjudication of the dispute. Accordingly the reference case is disposed of and the copy of the order be sent to the Ministry of Labour of taking necessary action at their end.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

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